

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

BOBBY PEREZ	§	
VS.	§	CIVIL ACTION NO. 9:19cv172
BRAD LIVINGSTON, ET AL.	§	

MEMORANDUM ORDER OVERRULING OBJECTIONS AND ADOPTING
THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Plaintiff Bobby Perez, proceeding *pro se*, filed the above-styled civil rights lawsuit.. The court previously referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, at Beaumont Texas, for consideration pursuant to applicable orders of this court.

Plaintiff has filed a motion seeking a temporary restraining order and preliminary injunction. The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge recommending the motion be denied.

Plaintiff filed objections to the Report and Recommendation. The court must therefore conduct a *de novo* review of the objections in relation to the pleadings and the applicable law.

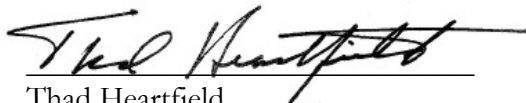
After careful consideration, the court is of the opinion the objections are without merit. Plaintiff, who has Hepatitis-C, asks the court to order the defendants to provide him with medical treatment which includes direct acting antiviral medication.

The exhibits attached to plaintiff's objections demonstrate that after testing, a medical judgment has been made that plaintiff's liver is functioning at a level which indicates the medication he seeks is not required. Plaintiff disagrees with the determination regarding treatment. However, a disagreement regarding proper treatment is insufficient to show a defendant has been deliberately indifferent to a serious medical need. As a result, the magistrate judge correctly concluded plaintiff is not entitled to preliminary injunctive relief because he has not shown there is a substantial likelihood he will prevail on the merits.

ORDER

Accordingly, the objections filed by plaintiff are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct and the report of the magistrate judge is hereby **ADOPTED** as the opinion of the court. Plaintiff's motion for temporary restraining order and preliminary injunction (doc. no. 15) is **DENIED**.

SIGNED this the 9 day of **March, 2022**.


Thad Heartfield
United States District Judge